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A1
3. (Amended) A chocolate composition comprising an emulsifier component having a melting point from about 50 to 90°C and a hydrophilic lipophilic balance value from about 2 to 10, wherein the emulsifier component comprises at least one of a diacetyltartaric acid ester of monoglycerides, mono- and diglycerides of vegetable oils, partially hydrogenated monoglycerides, fully hydrogenated or monoglycerides.

A'
4. (Amended) The chocolate composition of claim 3, wherein the emulsifier component is a monoglyceride having a carbon side chain of at least 16 carbons.

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A2
13. (Amended) A food product comprising a liquid oil and an emulsifier component having a melting point from about 50 to 90°C and a hydrophilic lipophilic balance value of about 2 to 10, wherein the liquid oil is present in an amount of about 10 to 60 weight percent of the food product and the emulsifier is present in an amount of about 0.5 to 15 weight percent of the liquid oil.

A3 B⁵
17. (Amended) The food product of claim 16, wherein the emulsifier component comprises a monoglyceride having a carbon side chain of at least 16 carbons.

Please add the following new claims:

20. (New) The chocolate composition of claim 1, wherein the emulsifier component is present in an amount of about 1 to 6 percent by weight of the confectionery product.

A4
21. (New) The chocolate composition of claim 1, wherein the emulsifier component comprises at least one of a diacetyltartaric acid ester of monoglycerides, sorbitan esters, mono- and diglycerides of vegetable oils, partially hydrogenated monoglycerides, fully hydrogenated monoglycerides, or sugar esters.

SUB B₆
22. (New) The chocolate composition of claim 2, wherein the emulsifier component is present in an amount of about 1 to 6 percent by weight of the confectionery product.

A⁴
23. (New) The chocolate composition of claim 2, wherein the emulsifier component

comprises at least one of a diacetyltartaric acid ester of monoglycerides, sorbitan esters, mono- and diglycerides of vegetable oils, partially hydrogenated monoglycerides, fully hydrogenated monoglycerides, or sugar esters.

24. (New) The chocolate composition of claim 3, wherein the emulsifier component is present in an amount of about 1 to 6 percent by weight of the confectionery product.

AY B? 25. (New) The chocolate composition of claim 3, wherein the emulsifier component comprises at least one of a diacetyltartaric acid ester of monoglycerides, sorbitan esters, mono- and diglycerides of vegetable oils, partially hydrogenated monoglycerides, fully hydrogenated monoglycerides, or sugar esters.

AY L? 26. (New) The chocolate composition of claim 9, wherein the emulsifier component comprises at least one of a diacetyltartaric acid ester of monoglycerides, sorbitan esters, mono- and diglycerides of vegetable oils, partially hydrogenated monoglycerides, fully hydrogenated monoglycerides, or sugar esters.

ADD B? REMARKS

Claims 1-17 and 19, as amended, and new claims 20-26 are pending and under active consideration. A copy of these claims appears in Appendix A for the Examiner's review and consideration. Claim 18 has been cancelled, claims 1-4, 13, and 17 have been amended and new claims 20-26 have been added herein. The new and amended claims are supported by the original claims and specification as filed and add no new matter, so that their entry at this time is warranted. Specifically, the amendment to claim 1 is supported in the specification at page 5, line 3-5. Claims 2 and 3 are written in independent form. They are supported by the original claims and the original specification at page 4, lines 23-29 and page 5, lines 15-18. The amendments to claims 4 and 17 are supported by the specification at page 5, lines 19-22. Claim 13 as amended is supported by original claim 18, which is cancelled herein.

Applicants acknowledge and appreciate the allowance of claims 9-12. For the reasons that follow, it is believed that all claims are now in condition for allowance.

Claims 1-4 and 7 were rejected under 35 U.S.C. §§ 102(b) as being anticipated by Herzing (4,464,411) for the reasons set forth on page 2 of the Office Action.

Applicants' invention as presently claimed is directed to a chocolate composition